

Parliamentarian's Note: The Speaker of the House has consistently ruled that coverage of House proceedings, either by radio, television or still photography, was prohibited under the rules and precedents of the House. See for example, the statements of Speaker Sam Rayburn, of Texas, on Feb. 25, 1952, and on Jan. 24, 1955.⁽¹⁴⁾

§ 9. Presentation to Senate; Managers

Following the adoption of a resolution and articles of impeachment, the House proceeds to the adoption of privileged resolutions (1) appointing managers to conduct the trial on the part of the House and directing them to present the articles to the Senate; (2) notifying the Senate of the adoption of articles and appointment of managers; and (3) granting the managers necessary powers and funds.⁽¹⁵⁾

The managers have jurisdiction over the answer of the respondent

14. 98 CONG. REC. 1334, 1335, 82d Cong. 2d Sess.; 101 CONG. REC. 628, 629, 84th Cong. 1st Sess.

15. See § 9.1, *infra*.

In former Congresses, managers were elected by ballot or appointed by the Speaker pursuant to an authorizing resolution (see § 9.3, *infra*).

to the articles impeaching him, and may prepare the replication of the House to the respondent's answer. The replication has not in the last two impeachment cases been submitted to the House for approval.⁽¹⁶⁾

In the Harold Louderback proceedings, where the accused was impeached in one Congress and tried in the next, the issue arose as to the authority of the managers beyond the expiration of the Congress in which elected. In that case, the resolution authorizing the managers powers and funds was not offered and adopted until the succeeding Congress.⁽¹⁷⁾

Forms

Form of resolution appointing managers to conduct an impeachment trial:⁽¹⁸⁾

HOUSE RESOLUTION 439

Resolved, That Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Rep-

16. See § 10, *infra*.

17. See § 4.2, *supra*.

18. 80 CONG. REC. 3393, 74th Cong. 2d Sess., Mar. 6, 1936.

representatives and of all the people of the United States to impeach the said Halsted L. Ritter of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by this House; and that the said managers do demand that the Senate take order for the appearance of said Halsted L. Ritter to answer said impeachment, and demand his impeachment, conviction, and removal from office.

Form of resolution notifying the Senate of the adoption of articles and the appointment of managers:⁽¹⁹⁾

HOUSE RESOLUTION 440

Resolved, That a message be sent to the Senate to inform them that this House has impeached for high crimes and misdemeanors Halsted L. Ritter, United States District Judge for the southern district of Florida, and that the House adopted articles of impeachment against said Halsted L. Ritter, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, have been appointed such managers.

Form of resolution empowering managers:⁽²⁰⁾

HOUSE RESOLUTION 441

Resolved, That the managers on the part of the House in the matter of the

impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida, be, and they are hereby, authorized to employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary in the preparation and conduct of the case, to be paid out of the contingent fund of the House on vouchers approved by the managers, and the managers have power to send for persons and papers, and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary: *Provided*, That the total expenditures authorized by this resolution shall not exceed \$2,500.

Cross References

Arguments and conduct of trial by managers, see § 12, *infra*.

Effect of adjournment on managers' authority, see § 4, *supra*.

Managers' appearance and functions in the Senate sitting as a Court of Impeachment, see §§ 11–13, *infra*.

Managers' jurisdiction over replication and amendments to articles, see § 10, *infra*.

Electing and Empowering Managers; Notifying the Senate

§ 9.1 After the House has adopted a resolution and articles of impeachment, the House considers resolutions appointing managers to ap-

19. *Id.*

20. *Id.* at p. 3394.

pear before the Senate, notifying the Senate of the adoption of articles and election of managers, and authorizing the managers to prepare for and conduct the trial in the Senate, to employ assistants, and to incur expenses payable from the contingent fund of the House.

On Feb. 27, 1933, the House having adopted articles of impeachment against Judge Harold Louderback on Feb. 24, Mr. Hatton W. Sumners, of Texas, offered resolutions electing managers and notifying the Senate of House action:

IMPEACHMENT OF JUDGE HAROLD
LOUNDERBACK

MR. SUMNERS of Texas: Mr. Speaker, I offer the following privileged report from the Committee on the Judiciary, which I send to the desk and ask to have read, and ask its immediate adoption.

The Clerk read as follows:

HOUSE RESOLUTION 402

Resolved, That Hatton W. Sumners, Gordon Browning, Malcolm C. Tarver, Fiorello H. LaGuardia, and Charles I. Sparks, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Harold Louderback, United States district judge for the northern district of California; and said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the

House of Representatives and of all the people of the United States to impeach the said Harold Louderback of misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by the House; and that the said managers do demand the Senate take order for the appearance of said Harold Louderback to answer said impeachment, and demand his impeachment, conviction, and removal from office.

THE SPEAKER PRO TEMPORE: The question is on agreeing to the resolution. . . .

The resolution was agreed to.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MR. SUMNERS of Texas: Mr. Speaker, I desire to present a privileged resolution.

The Clerk read as follows:

HOUSE RESOLUTION 403

Resolved, That a message be sent to the Senate to inform them that this House has impeached Harold Louderback, United States district judge for the Northern District of California, for misdemeanors in office, and that the House has adopted articles of impeachment against said Harold Louderback, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that Hatton W. Sumners, Gordon Browning, Malcolm C. Tarver, Fiorello H. LaGuardia, and Charles I. Sparks, Members of this House, have been appointed such managers.

The resolution was agreed to.⁽¹⁾

On Mar. 6, 1936, Mr. Sumners offered three resolutions relating

1. 76 CONG. REC. 5177, 5178, 72d Cong. 2d Sess.

to the impeachment proceedings against Judge Halsted Ritter, the House having adopted articles of impeachment on Mar. 2. The resolutions elected managers, informed the Senate that articles had been adopted and managers appointed, and gave the managers powers and funds:⁽²⁾

IMPEACHMENT OF HALSTED L. RITTER

MR. SUMNERS of Texas: Mr. Speaker, I send to the desk the three resolutions which are the usual resolutions offered when an impeachment has been voted by the House, and I ask unanimous consent that they may be read and considered en bloc. . . .

HOUSE RESOLUTION 439

Resolved, That Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said Halsted L. Ritter of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by this House; and that the said managers do demand that the Senate take order for the appearance of said Halsted L. Ritter to answer said impeachment, and demand

his impeachment, conviction, and removal from office.

HOUSE RESOLUTION 440

Resolved, That a message be sent to the Senate to inform them that this House has impeached for high crimes and misdemeanors Halsted L. Ritter, United States district judge for the southern district of Florida, and that the House adopted articles of impeachment against said Halsted L. Ritter, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, have been appointed such managers.

HOUSE RESOLUTION 441

Resolved, That the managers on the part of the House in the matter of the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida, be, and they are hereby, authorized to employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary in the preparation and conduct of the case, to be paid out of the contingent fund of the House on vouchers approved by the managers, and the managers have power to send for persons and papers, and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary: *Provided*, That the total expenditures authorized by this resolution shall not exceed \$2,500.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, may I ask the gentleman from Texas one further question? Is this exactly the procedure that has always been followed by the House under similar conditions?

2. 80 CONG. REC. 3393, 3394, 74th Cong. 2d Sess.

MR. SUMNERS of Texas: Insofar as I know, it does not vary from the procedure that has been followed since the beginning of the Government.

MR. SNELL: If that is true, while, of course, I think the House made a mistake, I have no desire to delay carrying out the will of the majority of the House in the matter.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, will the gentleman yield?

MR. SUMNERS of Texas: I yield to the gentleman from Texas.

MR. BLANTON: The only difference between this and other such cases is that our colleague from Texas has asked only for \$2,500, which is very small in comparison with amounts heretofore appropriated under such conditions.

The resolutions were agreed to.

Composition and Number of Managers

§ 9.2 Managers elected by the House, or appointed by the Speaker, have always been Members of the House and have always constituted an odd number.⁽³⁾

In 1933, in the Harold Louderback impeachment five managers were elected by resolu-

3. For a summary of the composition of managers from the William Blount impeachment in 1797 through the Robert Archbald impeachment in 1912, see 6 Cannon's Precedents §467.

tion—all from the Committee on the Judiciary—three from the majority party and two from the minority party.⁽⁴⁾ In the Halsted Ritter impeachment in 1936, three managers were elected from the Committee on the Judiciary, two from the majority party and one from the minority party.⁽⁵⁾ In both the Louderback and Ritter impeachments, the Chairman of the Committee on the Judiciary, Hatton W. Sumners, of Texas, was elected as a manager. Ordinarily, the managers are chosen from among those Members who have voted for the resolution and articles of impeachment.⁽⁶⁾

Appointment of Managers by Resolution

§ 9.3 In the later practice, managers on the part of the House to conduct impeachment trials have been appointed by resolution.

On Mar. 6, 1936, the House adopted a resolution offered by

4. Cannon's Precedents §514.
5. 80 CONG. REC. 3393, 74th Cong. 2d Sess.
6. During the Belknap proceedings, it was proposed to elect a minority Member to fill a vacancy created when a manager was excused from service. The House discussed the principle that managers should be in accord with the sentiments of the House. 3 Hinds' Precedents §2448.

Hatton W. Sumners, of Texas, Chairman of the Committee on the Judiciary, appointing Members of the House to serve as managers in the impeachment trial of Judge Halsted Ritter:

HOUSE RESOLUTION 439

Resolved, That Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said Halsted L. Ritter of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by this House; and that the said managers do demand that the Senate take order for the appearance of said Halsted L. Ritter to answer said impeachment, and demand his impeachment, conviction, and removal from office.⁽⁷⁾

This method, of appointing managers by House resolution, was also used in 1912 in the Robert Archbald impeachment, in 1926 in the George English impeachment, and in 1933 in the Harold Louderback impeachment.⁽⁸⁾

7. 80 CONG. REC. 3393, 74th Cong. 2d Sess.

8. 6 Cannon's Precedents §§500, 514, 545. Managers for the trial of former

On two occasions, in the Charles Swayne and West Humphreys impeachments, managers were appointed by the Speaker pursuant to authorizing resolution.⁽⁹⁾

In other impeachments, managers were elected by ballot, a procedure largely obsolete in the House, its last use having been for the election of managers in the Andrew Johnson impeachment. In that case, the motion adopted by the House providing for the consideration of the articles against President Johnson provided that in the event any articles were adopted, the House was to proceed by ballot to elect managers.⁽¹⁰⁾

Managers, Excused From Attending House Sessions

§9.4 Managers on the part of the House to conduct impeachment proceedings may be excused from attending the sessions of the House by unanimous consent.

On Apr. 10, 1933, Mr. Hatton W. Sumners, of Texas, one of the managers on the part of the House for impeachment pro-

Secretary of War William Belknap were also chosen by resolution. See 3 Hinds' Precedents §2448.

9. 3 Hinds' Precedents §§2388, 2475.

10. 3 Hinds' Precedents §2414.

ceedings against Judge Harold Louderback, made a unanimous-consent request:⁽¹¹⁾

MR. SUMNERS of Texas: Mr. Speaker, I ask unanimous consent that the managers on the part of the House in the Louderback impeachment matter be excused from attending upon the sessions of the House during this week.

THE SPEAKER:⁽¹²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

Appearance of Managers in Senate

§ 9.5 The managers on the part of the House appear in the Senate for the opening of an impeachment trial on the date messaged by the Senate.

On Mar. 9, 1936,⁽¹³⁾ the Senate messaged to the House the date the Senate would be ready to receive the managers on the part of the House for the impeachment trial of Judge Halsted Ritter:

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had—

Ordered, That the Secretary inform the House of Representatives that the Senate is ready to receive

11. 77 CONG. REC. 1449, 73d Cong. 1st Sess.

12. Henry T. Rainey (Ill.).

13. 80 CONG. REC. 3449, 74th Cong. 2d Sess.

the managers appointed by the House for the purpose of exhibiting articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida, agreeably to the notice communicated to the Senate, and that at the hour of 1 o'clock p.m. on Tuesday, March 10, 1936, the Senate will receive the honorable managers on the part of the House of Representatives, in order that they may present and exhibit the said articles of impeachment against the said Halsted L. Ritter, United States district judge for the southern district of Florida.⁽¹⁴⁾

Jurisdiction of Managers Over Related Matters

§ 9.6 Where the House has empowered its managers in an impeachment proceeding to take all steps necessary in the prosecution of the case, the managers may report to the House a resolution proposing to amend the original articles of impeachment.

On Mar. 30, 1936,⁽¹⁵⁾ Mr. Hatton W. Sumners, of Texas, one of the managers on the part of the House to conduct the impeachment trial against Judge Halsted Ritter, reported House Resolution 471, which amended the articles

14. For the proceedings in the Senate upon the appearance of the managers for the presentation of articles, see § 11.4, *infra* (Ritter proceedings).

15. 80 CONG. REC. 4597-99, 74th Cong. 2d Sess.

originally voted by the House on Mar. 2, 1936. Mr. Sumners discussed the power and jurisdiction of the managers to consider and report amendments to the original articles:

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, will the gentleman yield?

MR. SUMNERS of Texas: Yes.

MR. SNELL: I may not be entirely familiar with all this procedure, but as I understand, what the gentleman is doing here today, is to amend the original articles of impeachment passed by the House.

MR. SUMNERS of Texas: That is correct.

MR. SNELL: The original articles of impeachment came to the House as a result of the evidence before the gentleman's committee. Has the gentleman's committee had anything to do with the change or amendment of these charges?

MR. SUMNERS of Texas: No; just the managers.

MR. SNELL: As a matter of procedure, would not that be the proper thing to do?

MR. SUMNERS of Texas: I do not think it is at all necessary, for this reason: The managers are now acting as the agents of the House, and not as the agents of the Committee on the Judiciary. Mr. Manager Perkins and Mr. Manager Hobbs have recently extended the investigation made by the committee.

MR. SNELL: Mr. Speaker, will the gentleman yield further?

MR. SUMNERS of Texas: Yes.

MR. SNELL: Do I understand that the amendments come because of new in-

formation that has come to you as managers that never was presented to the Committee on the Judiciary?

MR. SUMNERS of Texas: Perhaps it would not be true to answer that entirely in the affirmative, but the changes are made largely by reason of new evidence which has come to the attention of the committee, and some of these changes, more or less changes in form, have resulted from further examination of the question. This is somewhat as lawyers do in their pleadings. They often ask the privilege of making an amendment.

MR. SNELL: And the gentleman's position is that as agents of the House it is not necessary to have the approval of his committee, which made the original impeachment charges?

MR. SUMNERS of Texas: I have no doubt about that; I have no doubt about the accuracy of that statement.⁽¹⁶⁾

Parliamentarian's Note: After articles of impeachment had been adopted against President Andrew Johnson in 1868, the managers on the part of the House reported to the House, as privileged, an additional article of impeachment. A point of order was made that the managers could not so report, their functions being different from those of a standing committee. Speaker Schuyler Colfax,

16. See also 6 Cannon's Precedents §520 (amendment to articles of impeachment against Judge Harold Louder back prepared and called up by House managers).

of Indiana, overruled the point of order on two grounds: (1) the answer of the respondent is always, when messaged to the House, referred to the managers, who then prepare a replication to the House and (2) any Member of the House, whether a manager or not, may propose additional articles of impeachment.⁽¹⁷⁾

§ 9.7 The answer of the respondent to articles of impeachment, and supplemental rules to govern the trial, are messaged to the House by the Senate and referred to the managers on the part of the House.

On Apr. 6, 1936, the answer of respondent Judge Halsted Ritter to the articles of impeachment against him, and supplemental Senate rules, were messaged to the House by the Senate and referred to the managers on the part of the House.⁽¹⁸⁾

§ 10. Replication; Amending Adopted Articles

The replication is the answer of the House to the respondents' an-

swer to the articles of impeachment. In recent instances, the managers on the part of the House have submitted the replication to the Senate on their own initiative, without the House voting thereon.⁽¹⁹⁾

The House has always reserved the right to amend the articles of impeachment presented to the Senate and has frequently so amended the articles pursuant to the recommendations of the managers on the part of the House.⁽²⁰⁾

Cross References

Managers and their powers generally, see § 9, *supra*.

Motions to strike articles of impeachment in the Senate, see § 12, *infra*.

Respondent's answer filed in the Senate, see § 11, *infra*.

Reservation of Right to Amend Articles

§ 10.1 In the later practice, the reservation by the House of the right to amend articles of impeachment presented to the Senate has been delivered orally in the Senate by the House managers, and has

17. 3 Hinds' Precedents § 2418.

For preparation of the replication in the later practice see § 10.3, *infra*.

18. See 110.2, *infra*.

19. See § 10.3, *infra*.

20. See § 10.1, *infra*, for the reservation of the right to amend articles and §§ 10.4–10.6, *infra*, for the procedure in so amending them.